

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Alexandria, Virginia**

UNITED STATES OF AMERICA	)	
<i>ex rel.</i> Benjamin Carter,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:13cv1188 (JCC/JFA)
	)	
HALLIBURTON CO., <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS' MOTION TO DISMISS**

Defendants (collectively, “KBR”) hereby move to dismiss Relator Benjamin Carter’s Complaint in its entirety under Fed. R. Civ. P. 12(b)(6) and 12(b)(1), for failure to state a claim and for lack of subject matter jurisdiction under the “first-to-file bar” of the federal False Claims Act, 31 U.S.C § 3730(b)(5). The dismissal should be *with prejudice* as to Counts 2 and 3, and also as to any allegation pertaining to Counts 1 and 4 that exceeds the limits imposed by the Court’s July 23, 2009 decision in Civil Action No. 08-1162 [Dkt, 121, 122], as explained more fully in the accompanying memorandum and proposed order. At this time, dismissal should be *without prejudice* as to the remainder of Counts 1 and 4.

Respectfully submitted,

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March 24, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of March 2014, I electronically filed the foregoing DEFENDANTS' MOTION TO DISMISS with the Clerk of Court using the CM/ECF system, which will send notification to the following persons (with additional service by electronic mail):

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